IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 483 of 1999(A)

CRL.A.28/1994 OF THE COURT OF ADDITIONAL SESSIONS JUDGE, KOTTAYAM.

C.C.54/1991 OF THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, CHANGANACHERRY.

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PETITIONER/APPELLANT/2ND ACCUSED:-

RAVEENDRAN, S/O.DAMODHARAN,
ATHIRUPARAMBIL VEEDU,
CHINGAVANAM KARA, NATTAKOM VILLAGE.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SRI.K.S.KURUP

RESPONDENT/RESPONDENT:-

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVEENDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.483 of 1999

Dated, this the 29th day of November, 2006

ORDER

V.K.Bali,C.J.(Oral)

Petitioner along with his co-accused Suresh (A1) was tried for offence under Sections 457, 380, 461 and 34 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for two years each under Section 457 IPC and rigorous imprisonment for one year each under Section 380 IPC. The above sentences were ordered to run concurrently, vide order dated 31st December, 1993 passed by the Judicial First Class Magistrate, Changanacherry. The appeal preferred against the order aforesaid was dismissed by the learned Additional Sessions Judge, Kottayam vide order dated 8th April, 1999. It is against these orders that the present revision has been filed by the petitioner.

2. Learned counsel appearing for the petitioner without joining issues on the merits of the case contends that the occurrence pertains to the year 1990 and in the manner aforesaid the petitioner has already suffered agony of a protracted trial spanned over a period of more than 16 years and he may not be

sent to serve a jail term at this distance of time and that the sentence may be converted into fine.

3. The contention of the learned counsel for the petitioner for convicting the petitioner only to pay a fine cannot be accepted in the peculiar facts and circumstances of the case. Considering, however, the fact that the occurrence had taken place in 1990 the sentence can be reduced.

4. In totality of the facts and circumstances of the case, this Court is of the view that interests of justice will be served, if while maintaining the order of conviction against the petitioner the sentence under Section 457 IPC is reduced to rigorous imprisonment for a period of one year and sentence under Section 380 IPC is reduced to rigorous imprisonment for a period of six months. Ordered accordingly. The above sentences are ordered to run concurrently.

Revision petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

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